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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,932	08/11/2006	Johan Torsner	P19250-US1	7997

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ERICSSON INC.  
6300 LEGACY DRIVE  
M/S EVR 1-C-11  
PLANO, TX 75024

EXAMINER
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SARWAR, BABAR

ART UNIT	PAPER NUMBER
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2617

NOTIFICATION DATE	DELIVERY MODE
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01/18/2012

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/597,932	TORSNER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	BABAR SARWAR	2617	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2011.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 5) ☒ Claim(s) 50,53-57,67,70-81 and 99-101 is/are pending in the application.
- 5a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 6) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 7) ☒ Claim(s) 50, 53-57, 67, 70-81 and 99-101 is/are rejected.
- 8) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 9) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____.                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____.   | 6) <input type="checkbox"/> Other: ____.                          |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 50, 53-57, 67, 70-81, and 99-101 have been considered but are moot in view of the new ground(s) of rejection.

### *Examiner Comments*

2. The applicant has placed emphasis's throughout the prosecution on the claimed limitation of **"wherein the data transfer initiating message is an uplink cell update message transmitted by the UE"**

The examiner would like to emphasis that the aforementioned limitation has been **given little weight within the claims because it does not add further structure to apparatus claims or further steps to process claims nor does it add further function to the structure or steps**. The limitation amounts to descriptive language ancillary to the applicants intended invention because it does not modify any functions of the invention in structure or steps.

Recall, **as per MPEP §2111.04**, claim scope is not limited by claim language that suggests or makes optional but does not require steps to be performed, or by claim language that does not limit a claim to a particular structure. However, examples of claim language, although not exhaustive, that may raise a question as to the limiting effect of the language in a claim are:

- (A) " adapted to "or "adapted for" clauses;
- (B) "wherein "clauses; and
- (C) "whereby" clauses

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 50, 67, and 99 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sharma (US Pat. No.: 7,406,314 B2, fully supported by Provisional Application No.: 60/486,584, filed on 07/11/2003) in view of Vadgama (US Pat. No.: 7,277,709 B2).

Consider **claims 50, 67, and 99**, Sharma teaches a method in a User Equipment (UE) for initiating a data transfer from the UE in a Universal Mobile Telecommunications System (UMTS) terrestrial radio access network (UTRAN) (**See Sharma e.g., the WTRU with connection mode configuration with plurality of functional states, i.e., monitoring state/duplex state, and initiation of downlink/uplink communication of Col. 9:43-67, Figs. 3-4**). Sharma further teaches wherein the UTRAN comprises at least one Radio Network Controller (RNC) connectable to the UE (**See Sharma e.g., the UMTS system architecture, i.e., RNCs, Node Bs, and WTRUs, of Col. 1:42-60, Fig. 5**) that is capable of being in the states UTRAN Registration Area Paging Channel (URA PCH), Cell Paging Channel (CELL PCH) or Cell Dynamic Host Configuration (CELL DCH) (**See Sharma e.g., a multiple of defined states in UTRAN. i.e., URA PCH, CELL PCH, CELL DCH of Col. 2:57-65, Fig. 1a**),

However, Sharma does not explicitly teach the method comprising the steps of: introducing delay reducing information into a data transfer initiating message by the UE; Wherein the data transfer initiating message is an uplink cell update message transmitted by the UE; and wherein the delay reducing information comprises information indicating whether the traffic volume of the data to be transmitted is above a pre-configured threshold; transmitting the data transfer initiating message by the UE; receiving a message from the RNC comprising information for transferring the UE from the URA PCH or the CELL PCH state directly to the CELL DCH state by means of the delay reducing information in the data transfer initiating message.

In an analogous field of endeavor, Vadgama teaches the method comprising the steps of: introducing delay reducing information into a data transfer initiating message by the UE **(See Vadgama, e.g., the user equipment measuring congestions in cells, making a cell selection based on the congestion levels based on the usage of shared transmissions channels, feedback signals sent by the mobile units regarding base stations selection of Col. 3:16-32, Col. 16:09-29, and Figs. 5-6 elements 120-144, 152-186)**; Wherein the data transfer initiating message is an uplink cell update message transmitted by the UE **(See Vadgama, e.g., the mobile station selecting a cell based on congestion levels and transmitting the results to the controller of Col. 16:09-29, and Figs. 5-6 elements 120-144)**; and wherein the delay reducing information comprises information indicating whether the traffic volume of the data to be transmitted is above a pre-configured threshold **(See Vadgama, e.g., the selection based on congestion levels and thresholds, i.e., selection based on the**

**measurement of cell congestions below a certain threshold of Col. 3:33-46, Col. 11:33-43, and Fig. 5 elements 120-144);** transmitting the data transfer initiating message by the UE **(See Vadgama, e.g., the cell selection based on the measurement of cell congestions below a certain threshold of Col. 3:33-46, Figs. 5-6 elements 120-144);** receiving a message from the RNC comprising information for transferring the UE from the URA PCH or the CELL PCH state directly to the CELL DCH state **(See Vadgama, e.g., the mobile unit choosing the cells, selection of base stations based on the congestion levels, allocation of dedicated transmission channels of Col. 5:03-29, Figs. 5-6 elements 120-144).**

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Vadgama to Sharma for the purpose of reducing the amount of interference, and latency of the system as suggested **(See Vadgama, e.g., Col. 2:62-67).**

5. Claims 53-57, 70-81, and 100-101 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sharma in view of Vadgama and in further view of Wallentin et al. (US Pat. No.: 6,594,238 B1).

Consider **claims 53, 70**, the combination teaches everything claimed as implemented above (see claims 50, 67). However, the combination does not explicitly teach wherein the delay reducing information further comprises information whether the data to be transmitted is available on a user bearer or on a signaling bearer.

In an analogous field of endeavor, Wallentin teaches that wherein the delay reducing information further comprises information whether the data to be transmitted is

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available on a user bearer or on a signaling bearer (**See Wallentin e.g., the connection states based on various factors and considerations i.e. desired bearer service, current amount of data in the queue, current connection state of Col. 4:43-59, Fig. 7 steps of DCH-handover, DCH cell update, FACH/RACH cell update, and PCH/RACH routing area update).**

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Wallentin to Sharma, Vadgama for the purpose of dynamically selecting an optimal connection state from a plurality of connection states based on a predicted traffic parameter as suggested (**See Wallentin e.g., Col. 2:59-64).**

Consider **claims 54, 71, 78-79**, the combination teaches everything claimed as implemented above (see claims 50, 67, 83). In addition, Wallentin teaches that wherein the delay reducing information is indicated in an extension of the cell update message (**See Wallentin e.g., selection of connection states using parameter information from the requested data service of Col. 7:53-65, Fig. 7 steps of DCH-handover, DCH cell update, FACH/RACH cell update, and PCH/RACH routing area update).**

Consider **claims 55, 72, 80**, the combination teaches everything claimed as implemented above (see claims 54, 71, 78, 87, and 91). In addition, Wallentin teaches that wherein the extension comprises at least one dedicated flag (**See Wallentin e.g., the connection state selector signaling (an indication) the controller for connection state change of Col. 8:55-60, Fig. 8 The mobile terminal, The RNC, the measurement units, the controllers, and the connection selectors 26, 30, 70-71,**

**75, and 81-82).**

Consider **claims 56, 73**, the combination teaches everything claimed as implemented above (see claims 50, 67). In addition, Wallentin teaches that wherein the extension comprises currently reserved code points comprising spare values in the existing cell update message (**See Wallentin e.g., allocation of spreading codes and the connection state selector signaling the controller for connection state change of Col. 9:19-26, Fig. 9 steps of the RNC allocating spreading codes**).

Consider **claims 57, 74, 81, and 100-101**, the combination teaches everything claimed as implemented above (see claims 50, 67, 75). In addition, Wallentin teaches that wherein the step of receiving a message from the RNC comprises the steps of: receiving a cell update confirm message from the RNC (**See Wallentin e.g., the RNC sending message to the mobile station with change of connection state information of Col. 9 lines 13-25, Fig. 7**); and, transmitting a Radio Bearer configuration complete message to the RNC (**See Wallentin e.g., initiation of the connection state transition by the mobile station based on the packet flow/packet density parameters of Col. 8:19-25, Figs. 6-7 transition for optimal connection states**).

Consider **claim 75**, the combination teaches everything claimed as implemented above (see claim 67). In addition, Wallentin teaches wherein the data transfer initiating message is a downlink paging message is transmitted by the RNC (**See Wallentin e.g., allocation of spreading codes and the RNC sending message to the mobile station with change of connection state information of Col. 9:13-25**).



Consider **claim 76**, the combination teaches everything claimed as implemented above (see claim 67). In addition, Wallentin teaches wherein the delay reducing information comprises **any** of the information parameters: physical and transport channel configuration parameters, code allocation and radio bearer configuration, and the identity parameter U-RNTI (**See Wallentin e.g., the UTRAN architecture, and allocation of spreading codes and the RNC sending message to the mobile station with change of connection state information of Col. 9:13-25**).

Consider **claim 77**, the combination teaches everything claimed as implemented above (see claim 76). In addition, Wallentin teaches wherein the delay reducing information further comprises at least an uplink Dedicated Physical Channel (DPCH) related information, downlink DPCH related information, downlink radio link related information, power control configurations or potential high speed downlink shared channel (HS-DSCH) configurations (**See Wallentin e.g., the connection states DCH, PCH, and downlinks/uplinks of Col. 7:53-67, Col. 8:1-13, Fig. 7**).

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BABAR SARWAR whose telephone number is (571)270-5584. The examiner can normally be reached on MONDAY TO FRIDAY 08:00 AM -04:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NICK CORSARO can be reached on (571)272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BABAR SARWAR/

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Examiner, Art Unit 2617

/NICK CORSARO/

Supervisory Patent Examiner, Art Unit 2617